

# IDAHO BUILDING CODE BOARD MEETING

## April 5, 2006

*Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.*

The April 5, 2006, meeting of the Idaho Building Code Board was called to order by Chairman Doug Brown at 9:30 a.m. The meeting was held in Meridian, Idaho, at the office of the Division of Building Safety. Those attending were:

### BOARD MEMBERS:

Doug Brown, Chairman  
Bobby Ball  
Kelly Daniels  
Ed Wagner, Vice-Chairman  
Janene Welch  
Tom Wilson

### BOARD MEMBERS EXCUSED

Robert Carlton

### DBS STAFF MEMBERS:

John McAllister, DBS Administrator  
Marsi Woody, DBS Deputy Administrator  
Steve Keys, DBS Deputy Administrator  
Jack Rayne, DBS Building Bureau Chief  
Kay Christensen, Deputy Attorney General  
Arlan Smith, DBS Building Plans Examiner  
Lisa Stover, DBS Building Plans Examiner  
Emma Hoffman, DBS Technical Records Specialist  
Rita Kelso, DBS Office Specialist II

### OTHERS PRESENT:

Jason Ronk, Building Contractors Association  
Bob McKinney, Ada County Dev. Services  
Pat Minegar, IBCA  
George Slane, City of Boise  
Mark Larson, State Fire Marshal  
Jenifer Gilliland, City of Boise  
Ron Whitney, BCA  
Kraig Stevenson, ICC  
Trent Wright, ACAR

### MINUTES

Ed Wagner moved to approve the November 16, 2005 minutes. Janene Welch seconded the motion. Bobby Ball abstained from approving the minutes. She stated that she did not clearly understand the motion regarding amending 39-4109 Idaho Code to remove item (c) as it related to referenced accessibility guidelines, when she voted on it at the last meeting. Otherwise, she would not have voted in favor of it. The minutes were approved as written.

### **CORRESPONDENCE**

For informational purposes, Jack Rayne made reference to an article from the Idaho City World. He stated this article speaks to Boise County's ever changing building code program and is an example of one of the many different programs around the state that are not operating within the intent of the building code act.

Mr. Rayne referred to an e-mail he sent to the board members on March 20, 2006. This e-mail copied an original e-mail received from Jason Ronk on March 9, 2006 and the response sent from Mr. Rayne on March 10, 2006. The e-mail to Mr. Ronk referenced the BCA's proposal to change the composition of the building code board within 39-4106 IC and stated the DBS position to be as follows:

- 1) Leave both of the local building officials on the board.
- 2) Add two more general contractors, one of which may be an Idaho registered homebuilder and one of which shall be a contractor licensed by the Idaho Public Works Contractor Licensing Board as an AAA Building contractor. This would provide for a total of three contractors in addition to the modular building industry board member who also is a registered contractor for a total of four contractors on the board.
- 3) Amend Section 39-4107 IC to restore authority to the board to amend adopted codes in the same fashion that all other code adopting boards have within the Division of Building Safety.

He stated, "These changes would allow for more representation on the board by homebuilders as well as inclusion of an AAA licensed Public Works building contractor who could better relate to the large construction projects routinely handled by the DBS."

An e-mail was sent from Doug Brown to the board members and coalition regarding HB 823 and its purpose and defeat.

### **OLD BUSINESS**

Mr. Rayne said HB 552 was pulled on February 9, 2006. There was legislative concern that the bill would be challenged so DBS agreed to work with the building contractors' association to identify what their issues are and hold the bill for a future submittal date.

Rules submitted last year to condense six chapters into one single rule chapter and consolidate all the programs in the Building Bureau have not been rejected by the legislature and are expected to be approved. If nothing changes, the bureau may proceed on July 1<sup>st</sup> with the new rules. Mr. Rayne will notify board members of the outcome.

### **NEW BUSINESS**

Doug Brown addressed HB 823, which concerned the makeup of the board, saying there was a lack of communication between DBS and the board. He questioned when communication with the board is appropriate in order to inform the members of legislative activities. He said he had heard that there were unjust and unfair criticisms of the board which were not previously on record. The board has never been closed to people discussing items of concern. The board is always open to anyone's concerns or issues and welcomes anyone to speak up at any meeting.

John McAllister said he and Jack Rayne had attended a meeting with the people who had proposed the bill. He said they had discussed all persons involved getting together over the next year and working out a potential compromise. Jason Ronk said this board has tremendous influence over the building industry so it is imperative for the Building Contractors Association to have representation from all over the state on this board.

Following discussion, Mr. Brown said there still seems to be a disconnect with what the board's authority is in the rule making process. He requested that Jack Rayne and John McAllister write a position paper so the board and others would have a clear understanding of where this board is out of sync with the other boards in the state. He said that his understanding was that this board has been denied the power that the other boards have because the attorney crafting the document erroneously caused this to happen. Mr. Rayne said this is correct but Section 39-4116 under page 3, item #3 says local governments may amend by ordinance the adopted codes or provisions of reference codes to reflect local concerns provided such amendments establish at least an equivalent level protection to that of the adopted building code. Local jurisdictions shall not have the authority to amend any accessibility provisions pursuant to Section 39-4109, Idaho Code.

Mr. Rayne said the state has adopted accessibility standards and they are not subject to amendment because of this provision in HB 552. "Nobody at the local jurisdiction level or the state can amend any accessibility provisions adopted by 39-4109 -- they are locked in." Mr. McAllister said he would welcome the opportunity for him and Mr. Rayne to work with everybody that has expressed concerns about this bill and try to explain to them why they shouldn't have a concern or if they have a valid concern, work with them to draft language that everybody can agree on.

Tom Wilson stated and Kay Christensen confirmed that this board only has the authority to recommend to the legislature through a proposal which is done through rule making. The board can not adopt a code. Only the legislature can do this.

Mr. Brown said the board will request the clarification paper, make sure the legal ramifications are clearly spelled out and then meet collectively as a coalition.

Copies of the 2006 IBC, 2006 IRC and the 2006 IECC were given to each board member present at the meeting today. The board reviewed drafts of proposed rules. Mr. Rayne said the "Proposed Administrative Rules Form" is for starting the process of promulgating a rule to adopt the 2006 editions of the International Building Code, International Residential Code and the International Energy Conservation Code. If the 2007 legislature approves these rules, the 2006 Codes would go into effect on July 1, 2007. Mark Larson, State Fire Marshal, said his intent is to follow this with the adoption of the 2006 International Fire Code.

**MOTION** - Jan Welch moved the board authorize the staff to proceed with the rule process to adopt the 2006 Codes. Kelly Daniels seconded and the motion passed.

Mr. Brown said the clarification paper should be generated to identify exactly what this board's rights are as an authority in rule making capabilities. This should then be sent to members of the coalition and other interested parties with the idea of bringing all involved persons together for a workshop. Discussion was held and this will be on the agenda for the next board meeting. Bobby Ball will check on the availability of a meeting room in the Idaho Housing Finance building.

Kay Christensen said, "If the board intends to look at this as legislation that might be proposed in the 2007 legislature, the executive process for legislation begins in May." The board is required to identify any potential legislation that it might proceed with on an idea form. The board agreed to have her file the form on its behalf. Mr. Brown asked Jack Rayne to send out a memo to all members of the coalition suggesting they obtain a copy of the new code, be familiar with it and address any concerns at the meeting coming up.

Doug Brown suggested inviting legislature representatives to the board meetings, as has been done in the past.

A tentative date for the next meeting was set for May 15, 2006 beginning at 9:00 a.m.

Jan Welch moved to adjourn, Ed Wagner seconded and the meeting was adjourned.

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Jack Rayne, Executive Director of the Board  
Building Bureau Chief, DBS

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Date

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John A. McAllister, Administrator  
Division of Building Safety

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Date

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Doug Brown, Chairman  
Idaho Building Code Board

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Date

SUMMARY of RESPONSIBILITIES RESULTING FROM THE  
APRIL 5, 2006  
BUILDING CODE BOARD MEETING

- 1) **Jack Rayne** will notify the board members of the outcome of the rule submitted last year to condense six chapters into one single rule chapter.
- 2) **Jack Rayne and John McAllister** will write a position paper so the board and others will have a clear understanding of where this board is out of sync with the other boards in the state. This is to be sent to members of the coalition and other interested parties with the idea of bringing all involved persons together for a workshop.
- 3) **Bobby Ball** will check on the availability of a meeting room in the Idaho Housing Finance building.
- 4) **Kay Christensen** is to file an idea form for potential legislation.
- 5) **Jack Rayne** is to send out a memo to all members of the coalition suggesting they obtain a copy of the new code, be familiar with it and be ready to address any concerns at the meeting.